

AMENDMENT NO. _____ Calendar No. _____

Purpose: Establishing a permanent bar for gang members,
terrorists, and other criminals.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 1348

To provide for comprehensive immigration reform and for
other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. CORNYN to
the amendment (No. _____) proposed by

Viz:

1 On page 47, line 25, insert “, even if the length of
2 the term of imprisonment for the offense is based on recid-
3 ivist or other enhancements,” after “15 years”.

4 On page 47, beginning with line 34, strike all through
5 page 48, line 10, and insert:

6 (3) in subparagraph (N), by striking “para-
7 graph (1)(A) or (2) of”;

1 (4) in subparagraph (O), by striking “section
2 275(a) or 276 committed by an alien who was pre-
3 viously deported on the basis of a conviction for an
4 offense described in another subparagraph of this
5 paragraph” and inserting “section 275 or 276 for
6 which the term of imprisonment is at least 1 year”;

7 (5) by striking the undesignated matter fol-
8 lowing subparagraph (U);

9 (6) in subparagraph (E)—

10 (A) in clause (ii), by inserting “,(c),” after
11 “924(b)” and by striking “or” at the end, and

12 (B) by adding at the end the following new
13 clauses:

14 “(iv) section 2250 of title 18, United
15 States Code (relating to failure to register
16 as a sex offender); or

17 “(v) section 521(d) of title 18, United
18 States Code (relating to penalties for of-
19 fenses committed by criminal street
20 gangs);”; and

21 (7) by amending subparagraph (F) to read as
22 follows:

23 “(F) either—

24 “(i) a crime of violence (as defined in
25 section 16 of title 18, United States Code,

1 but not including a purely political of-
2 fense), or

3 “(ii) a third conviction for driving
4 while intoxicated (including a third convic-
5 tion for driving while under the influence
6 or impaired by alcohol or drugs), without
7 regard to whether the conviction is classi-
8 fied as a misdemeanor or felony under
9 State law,

10 for which the term of imprisonment is at least
11 one year;”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall—

14 (1) take effect on the date of the enactment of
15 this Act; and

16 (2) apply to any act that occurred before, on,
17 or after such date of enactment.

18 In title II, insert after section 203 the following:

19 **SEC. 204. TERRORIST BAR TO GOOD MORAL CHARACTER.**

20 (a) DEFINITION OF GOOD MORAL CHARACTER.—
21 Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting
22 after paragraph (1) the following:

23 “(2) one who the Secretary of Homeland Secu-
24 rity or the Attorney General determines, in the

1 unreviewable discretion of the Secretary or the At-
2 torney General, to have been at any time an alien
3 described in section 212(a)(3) or 237(a)(4), which
4 determination—

5 “(A) may be based upon any relevant in-
6 formation or evidence, including classified, sen-
7 sitive, or national security information; and

8 “(B) shall be binding upon any court re-
9 gardless of the applicable standard of review;”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall take effect on the date of the enactment
12 of this Act and shall apply to—

13 (1) any act that occurred before, on, or after
14 the date of the enactment of this Act, and

15 (2) any application for naturalization or any
16 other benefit or relief, or any other case or matter
17 under the immigration laws, pending on or filed
18 after the date of enactment of this Act.

19 **SEC. 204A. PRECLUDING ADMISSIBILITY OF ALIENS CON-**
20 **VICTED OF AGGRAVATED FELONIES OR**
21 **OTHER SERIOUS OFFENSES.**

22 (a) INADMISSIBILITY ON CRIMINAL AND RELATED
23 GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is
24 amended—

1 (1) by adding at the end of subsection (a)(2)
2 the following new subparagraphs:

3 “(J) CERTAIN FIREARM OFFENSES.—Any
4 alien who at any time has been convicted under
5 any law of, or who admits having committed or
6 admits committing acts which constitute the es-
7 sential elements of, purchasing, selling, offering
8 for sale, exchanging, using, owning, possessing,
9 or carrying, or of attempting or conspiring to
10 purchase, sell, offer for sale, exchange, use,
11 own, possess, or carry, any weapon, part, or ac-
12 cessory which is a firearm or destructive device
13 (as defined in section 921(a) of title 18, United
14 States Code) in violation of any law is inadmis-
15 sible.

16 “(K) AGGRAVATED FELONS.—Any alien
17 who has been convicted of an aggravated felony
18 at any time is inadmissible.

19 “(L) CRIMES OF DOMESTIC VIOLENCE,
20 STALKING, OR VIOLATION OF PROTECTION OR-
21 DERS; CRIMES AGAINST CHILDREN.—

22 “(i) DOMESTIC VIOLENCE, STALKING,
23 AND CHILD ABUSE.—Any alien who at any
24 time is convicted of, or who admits having
25 committed or admits committing acts

1 which constitute the essential elements of,
2 a crime of domestic violence, a crime of
3 stalking, or a crime of child abuse, child
4 neglect, or child abandonment is inadmis-
5 sible. For purposes of this clause, the term
6 ‘crime of domestic violence’ means any
7 crime of violence (as defined in section 16
8 of title 18, United States Code) against a
9 person committed by a current or former
10 spouse of the person, by an individual with
11 whom the person shares a child in com-
12 mon, by an individual who is cohabiting
13 with or has cohabited with the person as a
14 spouse, by an individual similarly situated
15 to a spouse of the person under the domes-
16 tic or family violence laws of the jurisdic-
17 tion where the offense occurs, or by any
18 other individual against a person who is
19 protected from that individual’s acts under
20 the domestic or family violence laws of the
21 United States or any State, Indian tribal
22 government, or unit of local or foreign gov-
23 ernment.

24 “(ii) VIOLATORS OF PROTECTION OR-
25 DERS.—Any alien who at any time is en-

1 joined under a protection order issued by
2 a court and whom the court determines
3 has engaged in conduct that violates the
4 portion of a protection order that involves
5 protection against credible threats of vio-
6 lence, repeated harassment, or bodily in-
7 jury to the person or persons for whom the
8 protection order was issued is inadmissible.
9 For purposes of this clause, the term ‘pro-
10 tection order’ means any injunction issued
11 for the purpose of preventing violent or
12 threatening acts of domestic violence, in-
13 cluding temporary or final orders issued by
14 civil or criminal courts (other than support
15 or child custody orders or provisions)
16 whether obtained by filing an independent
17 action or as a independent order in an-
18 other proceeding.”; and

19 (2) in subsection (h)—

20 (A) by striking “The Attorney General
21 may, in his discretion, waive the application of
22 subparagraphs (A)(i)(I), (B), (D), and (E) of
23 subsection (a)(2)” and inserting “The Attorney
24 General or the Secretary of Homeland Security
25 may, in his discretion, waive the application of

1 subparagraphs (A)(i)(I), (III), (B), (D), (E),
2 (J), and (L) of subsection (a)(2)”;

3 (B) by striking “if either since the date of
4 such admission the alien has been convicted of
5 an aggravated felony or the alien” in the next
6 to last sentence and inserting “if since the date
7 of such admission the alien”; and

8 (C) by inserting “or Secretary of Home-
9 land Security” after “the Attorney General”
10 each place it appears.

11 (b) DEPORTABILITY FOR CRIMINAL OFFENSES IN-
12 VOLVING IDENTIFICATION.—Section 237(a)(2) (8 U.S.C.
13 1227(a)(2)) is amended by adding after subparagraph (E)
14 the following new subparagraph:

15 “(F) CRIMINAL OFFENSES INVOLVING
16 IDENTIFICATION.—An alien shall be considered
17 to be deportable if the alien has been convicted
18 of a violation of (or a conspiracy or attempt to
19 violate) an offense described in section 208 of
20 the Social Security Act (42 U.S.C. 408) (relat-
21 ing to social security account numbers or social
22 security cards) or section 1028 of title 18,
23 United States Code (relating to fraud and re-
24 lated activity in connection with identifica-
25 tion).”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to—

3 (1) any act that occurred before, on, or after
4 the date of enactment, and

5 (2) to all aliens who are required to establish
6 admissibility on or after the date of enactment of
7 this section, and in all removal, deportation, or ex-
8 clusion proceedings that are filed, pending, or re-
9 opened, on or after such date.

10 (d) CONSTRUCTION.—The amendments made by sub-
11 section (a) shall not be construed to create eligibility for
12 relief from removal under former section 212(c) of the Im-
13 migration and Nationality Act if such eligibility did not
14 exist before the amendments became effective.

15 On page 48, line 36, insert “including a violation of
16 section 924 (c) or (h) of title 18, United States Code,”
17 after “explosives”.

18 On page 49, lines 7 and 8, strike “, which is punish-
19 able by a sentence of imprisonment of five years or more”.

20 On page 49, beginning with line 44, through page 50,
21 line 2, strike “Unless the Secretary of Homeland Security

1 or the Attorney General waives the application of this sub-
2 paragraph, any” and insert “Any”.

3 On page 50, lines 20 through 22, strike “The Sec-
4 retary of Homeland Security or the Attorney General may
5 in his discretion waive this subparagraph.”.

6 On page 283, strike lines 32 through 38, and insert:

7 (A) is inadmissible to the United States
8 under section 212(a) of the Act (8 U.S.C.
9 1182(a)), except as provided in paragraph (2);

10 On page 285, strike lines 1 through 7, and insert:

11 (I) is an alien who is described in or sub-
12 ject to section 237(a)(2)(A)(iii), (iv) or (v) of
13 the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or
14 (v)), except if the alien has been granted a full
15 and unconditional pardon by the President of
16 the United States or the Governor of any of the
17 several States, as provided in section
18 237(a)(2)(A)(vi) of the Act (8 U.S.C.
19 1227(a)(2)(A)(vi);

20 (J) is an alien who is described in or sub-
21 ject to section 237(a)(4) of the Act (8 U.S.C.
22 1227(a)(4); and

1 (K) is an alien who is described in or sub-
2 ject to section 237(a)(3)(C) of the Act (8
3 U.S.C. 1227(a)(3)(C)), except if the alien is ap-
4 proved for a waiver as authorized under section
5 237 (a)(3)(C)(ii) of the Act (8 U.S.C.
6 1227(a)(3)(C)(ii)).

7 On page 285, line 21, strike “(9)(C)(i)(I),”.

8 On page 285, line 41, strike “section
9 212(a)(9)(C)(i)(II)” and insert “section 212(a)(9)(C)”.

10 On page 286, between lines 2 and 3, insert:

11 (VII) section 212(a)(6)(E) of the
12 Act (8 U.S.C. 1182(a)(6)(E)), except
13 if the alien is approved for a waiver as
14 authorized under section 212(d)(11)
15 of the Act (8 U.S.C. 1182(d)(11)); or
16 (VIII) section 212(a)(9)(A) of
17 the Act (8 U.S.C. 1182(a)(9)(A)).

18 On page 287, between lines 10 and 11, insert:

19 (5) GOOD MORAL CHARACTER.—The alien must
20 establish that he or she is a person of good moral
21 character (within the meaning of section 101(f) of

1 the Act (8 U.S.C. 1101(f)) during the past three
2 years and continue to be a person of such good
3 moral character.